

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, JANUARY 16, 2019**

MINUTES

1. The Willmar Planning Commission met on Wednesday, January 16, 2019, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

**** Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Terry Sieck, Cletus Frank, Jonathan Marchand, Dr. Jerry Kjergaard, and Christina Nelson.

**** Members Absent:** Terry VanVeldhuizen.

**** Others Present:** Sarah Swedburg - Planner.

2. MINUTES: Minutes of the January 2, 2019 meeting were approved as presented.

3. UNIQUE OPPORTUNITIES FINAL PLAT – FILE NO. 18-04: Staff presented the final plat on behalf of JH, LLC of Fergus Falls for the subdivision of property described as follows: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record. The Planning Commission and City Council reviewed and approved with conditions the Preliminary Plat on January 2 & 7, 2019, respectfully. In addition, the Planning Commission approved a conditional use permit for a PUD on January 2, 2019. Staff noted that a 10' utility easement has been added, as required by Willmar Municipal Utilities, and the developer is working with City and County Staff to plan infrastructure improvements.

The Planning Commission reviewed and discussed staff comments (see Attachment A). Lots 2, 3, 6, and 7 are divided for garage ownership and maintenance purposes.

Staff reviewed the Park Dedication section of the Subdivision Ordinance. New residential developments are required to dedicate 7% of developable land for Park use or make a cash payment in lieu of a land dedication. In such case, the Park Dedication Fund can be utilized by the city for the acquisition and improvement of land for parks, playgrounds, conservation, or other open space areas as provide by Minnesota State statute.

Dr. Kjergaard made a motion, seconded by Mr. Standfuss to approve the final plat with the following conditions:

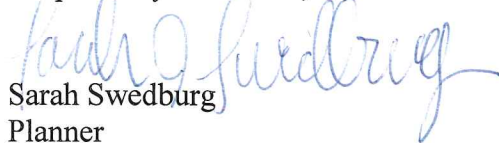
- A. Declarations/covenants for the internal access (Outlot A) to land locked parcels shall be submitted to Staff and recorded concurrently with plat for ease of tractability.

- B. A park dedication fee of \$5,158.73 shall be paid to the City of Willmar prior to issuance of Building Permits.
- C. All department comments as found in the Preliminary Plat shall be met, adhered to, and additional information supplied as requested.

The motion carried.

- 6. INTRODUCTION OF TECHNOLOGY ZONE TEXT AMENDMENT: Staff introduced a text amendment to allow the use of offices (business and professional) to be permitted outright in the Technology Zone. Currently, all uses are permitted by Plan Review. This use tends to be office space with limited square footage in existing buildings. All businesses that locate in the Technology Zone are approved by and contract with the MinnWest Technology Campus. The Commission took this for information only and Staff will publish notices for a public hearing at the next Planning Commission meeting (February 6).
- 7. INTRODUCTION OF PERKINS REZONE R-2 TO I-2: Staff introduced a rezone of property from R-2 (One- and Two-Family Residential) to I-2 (General Industry) to allow continued use of a lumber yard and rail yard. The majority of the property is surrounded by an I-2 zone, and there is an R-2 zone to the north, separated by a street. The Commission took this for information only and Staff will publish notices for a public hearing at the next Planning Commission meeting (February 6).
- 8. There being no further business to come before the Commission the meeting adjourned at 7:19 p.m.

Respectfully submitted,


Sarah Swedburg
Planner

PLANNING COMMISSION – JANUARY 16, 2019

STAFF COMMENTS

1. UNIQUE OPPORTUNITIES FINAL PLAT – FILE NO 18-04:

- The applicant is JH, LLC of Fergus Falls, MN.
- The applicant is requesting a subdivision of land to allow a multi-family residential development (4, 3-story, 72-unit complexes) on property described as: The North 764.71 feet of the South 1234.71 feet of the East 929.20 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Township 119, Range 35, Kandiyohi County Minnesota. EXCEPT the East 75.00 feet of the North 300.00 feet of the South 770.00 feet of said SE 1/4 of the NE 1/4. Subject to easements of record.
- Most parcels front County Road 5 and 2 accesses are proposed via this same road.
- Outlot A is proposed for access to the Western landlocked parcels.
- The parcels are zoned R-5.
- The northern portion of this property was annexed into the City by an Orderly Annexation Joint Agreement between the City of Willmar and Willmar Township at the end of 2018, and it has been approved by the State of Minnesota.
- A PUD Conditional Use Permit was approved for the property on January 2, 2019 by Planning Commission.
- The 10' utility easements have been added to the plat as requested by Willmar Municipal Utilities.
- Coordination of road and sanitary sewer improvements with Kandiyohi County and the City of Willmar are underway.

RECOMMENDATION: Approve the final plat with the following conditions:

- A. Declarations/covenants for the internal access (Outlot A) to land locked parcels shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- B. A park dedication fee of \$5,158.73 shall be paid to the City of Willmar prior to issuance of Building Permits.

NOTICE OF HEARING FOR PROPOSED ZONING AMENDMENT

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday February 6, 2019, at 7:01 p.m. at the City Office Building (Conference Room #1 main floor), 333 6th St. SW, to consider an ordinance amending No. 1060 known as the Willmar Zoning Ordinance by amending Section 6.Q. relating to uses in the Technology District:

SECTION 6. Ordinance 1060 is hereby amended by adding a new SECTION 6.Q.4. so as to read as follows:

4. *Permitted Uses. Only the following uses shall be permitted outright:*
 - a. *Offices, business and professional.*

SECTION 6. Ordinance 1060 is hereby amended by removing SECTION 6.Q.1.o. so as to read as follows:

- ~~e. —Offices, business and professional.~~

January 26, 2019
Date

Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Maria al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

ORDINANCE NO. 1230

AN ORDINANCE AMENDING ORDINANCE NO. 1060
KNOWN AS THE WILLMAR ZONING ORDINANCE
BY ADDING SECTION 6.Q. TECHNOLOGY DISTRICT

The City of Willmar does ordain as follows:

SECTION: 1. Section 6.Q. of Ordinance No. 1060 is amended to include the following Zoning District:

Q. TECHNOLOGY DISTRICT.

1. Permitted Uses with Plan Review. The following uses shall be permitted provided plans are submitted to and approved by the Zoning Administrator and the Planning Commission, subject to such conditions as they may attach thereto:

- a. Animal health products/services.
- b. Athletic/recreation facilities.
- c. Bio-Technology businesses.
- d. Business/technology incubator.
- e. Commercial day nurseries and schools.
- f. Component assembly.
- g. Computer Science/information technology business.
- h. Education uses/businesses.
- i. Engineering businesses *.
- j. Essential services and public uses.
- k. Food and other services (complimentary to the technology district).
- l. Governmental/institutional offices/buildings/facilities.
- m. Limited production.
- n. Medical/dental clinics.
- o. Offices, business and professional.
- p. Parking.
- q. Prototyping.
- r. Research and development businesses.

* Including biological, chemical, computer, electrical, engineering, and mechanical.

2. Permitted Accessory Uses. The following accessory structures or uses of land shall be permitted:
 - a. Detached storage or accessory buildings.
 - b. Residences for on-site maintenance or security (no new homes).

3. Lot Area, Width, Setback and Miscellaneous Requirements. The following standards shall be the minimum requirements for development in the "T" District:

- a. Lot Area = 15,000 SF
- b. Lot Width = 100 feet
- c. Setbacks –
 - Front (r/w) = 25 feet
 - Rear = 25 feet
 - Side, interior = 15 feet
 - Side, street (r/w) = 25 feet
 - Access lot/outlot = 15 feet
- d. Open, landscaped area = 20%
- e. Building/lot coverage = 50%

EFFECTIVE DATE. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Reese

This Ordinance introduced on: January 9, 2006

This Ordinance published on: January 13, 2006

This Ordinance given a hearing on: January 23, 2006

This Ordinance adopted on: January 23, 2006

This Ordinance published on: January 28, 2006

NOTICE OF HEARING FOR PROPOSED REZONING

Notice is hereby given that the Willmar Planning Commission will meet at the Willmar City Office Building (Conference Room #1, main floor), 333 6th St. SW, Willmar, Minnesota, at 7:02 p.m. on Wednesday, February 6, 2019, to consider a change in zoning from R-2 (One- and Two-Family Residential) to I-2 (General Industry) allowing continued use of a lumber company and railyard on property described as follows: All of Block 9 and Lots 6, 7, 8, and the Easterly 20 feet of Lot 9, Block 10. Town of (Original) Willmar. AND Those portions of Lots 1, 2, 3, 4, and 5, Block 10 lying North of a line drawn parallel with and 10 feet Northerly from BNSF Railroad Company's most Northerly spur track centerline. AND All of Lots 10, 11, 12, and the Westerly 5 feet of Lot 9 and the East half of vacated 9th St NW which lies between the East line of Block 11 and the West line of Block 10.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the Calendar on the home page of the City's website (www.willmarmn.gov).

January 26, 2019
Date

Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

Rezone R-2 to I-2 Location



January 4, 2019

1:2,257



NOTICE OF HEARING ON A REQUEST TO SUBDIVIDE PROPERTY

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday, February 6, 2019, at 7:03 p.m. at the City Office Building (Conference Room #1 main floor), 333 6th St. SW, Willmar, Minnesota, to conduct a public hearing to hear reasons for and against a subdivision plat submitted by Marcus Construction, Willmar, MN. Said plat is a subdivision of property described as: Parts of Block 2 and 3; ALSO: Block 4; ALSO: Parts of Block 14 and 15; ALSO: Parts of vacated 21st Street SE; ALSO: Parts of vacated 2nd Ave SE, Erickson's Second Addition to the City of Willmar, Minnesota (full description available upon request).

All property owners or residents living in the vicinity of the above described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the City's website Calendar (www.willmarmn.gov).

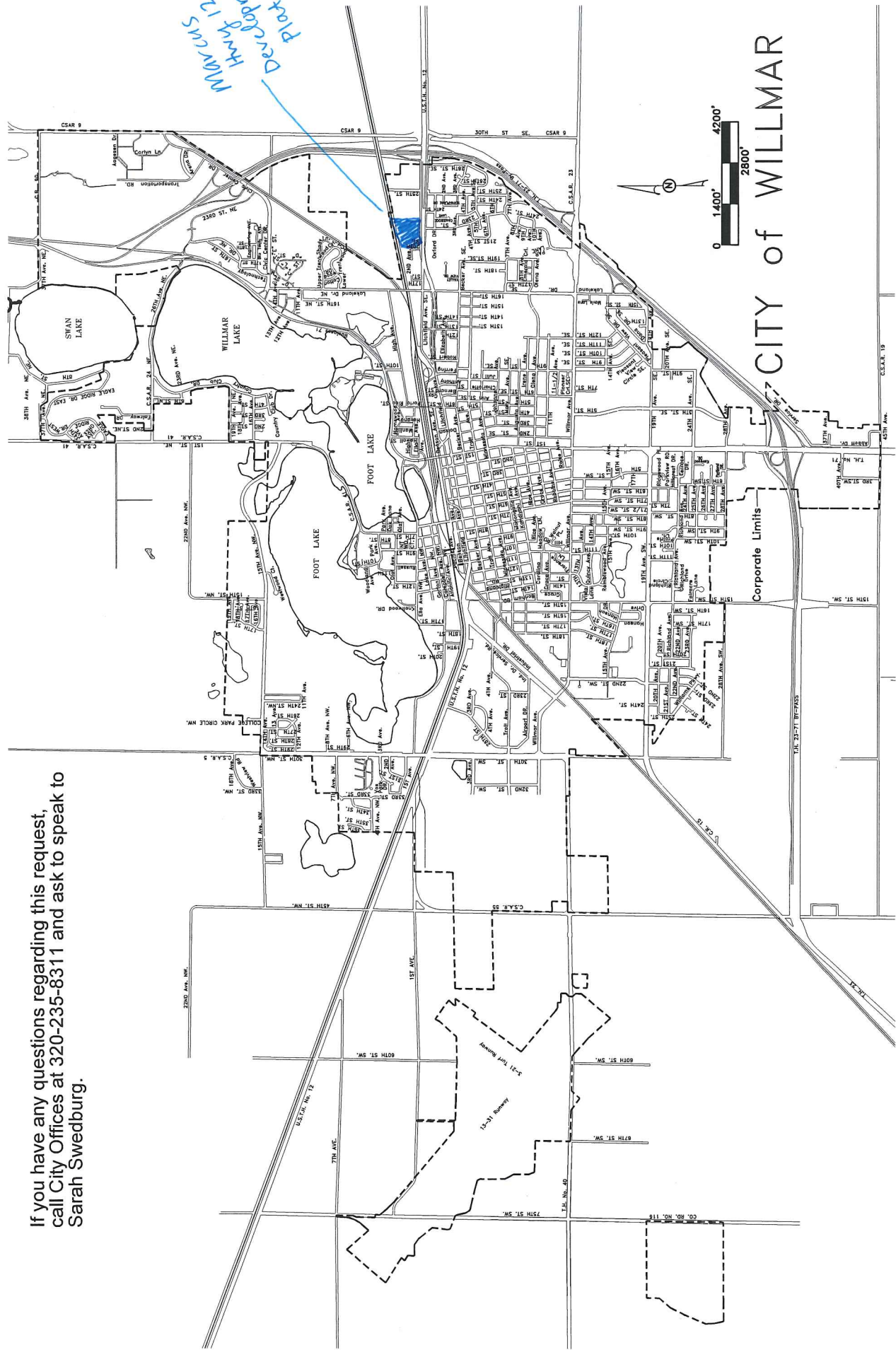
January 26, 2019
Date

Sarah J. Swedburg
Planner

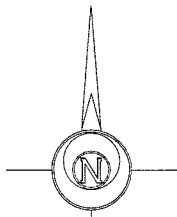
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Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

— Development
Hwy 12
March 5



PRELIMINARY PLAT OF:
MARCUS HIGHWAY 12 DEVELOPMENT



SCALE IN FEET

Legend

- INDICATES IRON MONUMENT PLACED
- INDICATES IRON MONUMENT FOUND
- INDICATES KANDIYOHI COUNTY CAST IRON MONUMENT

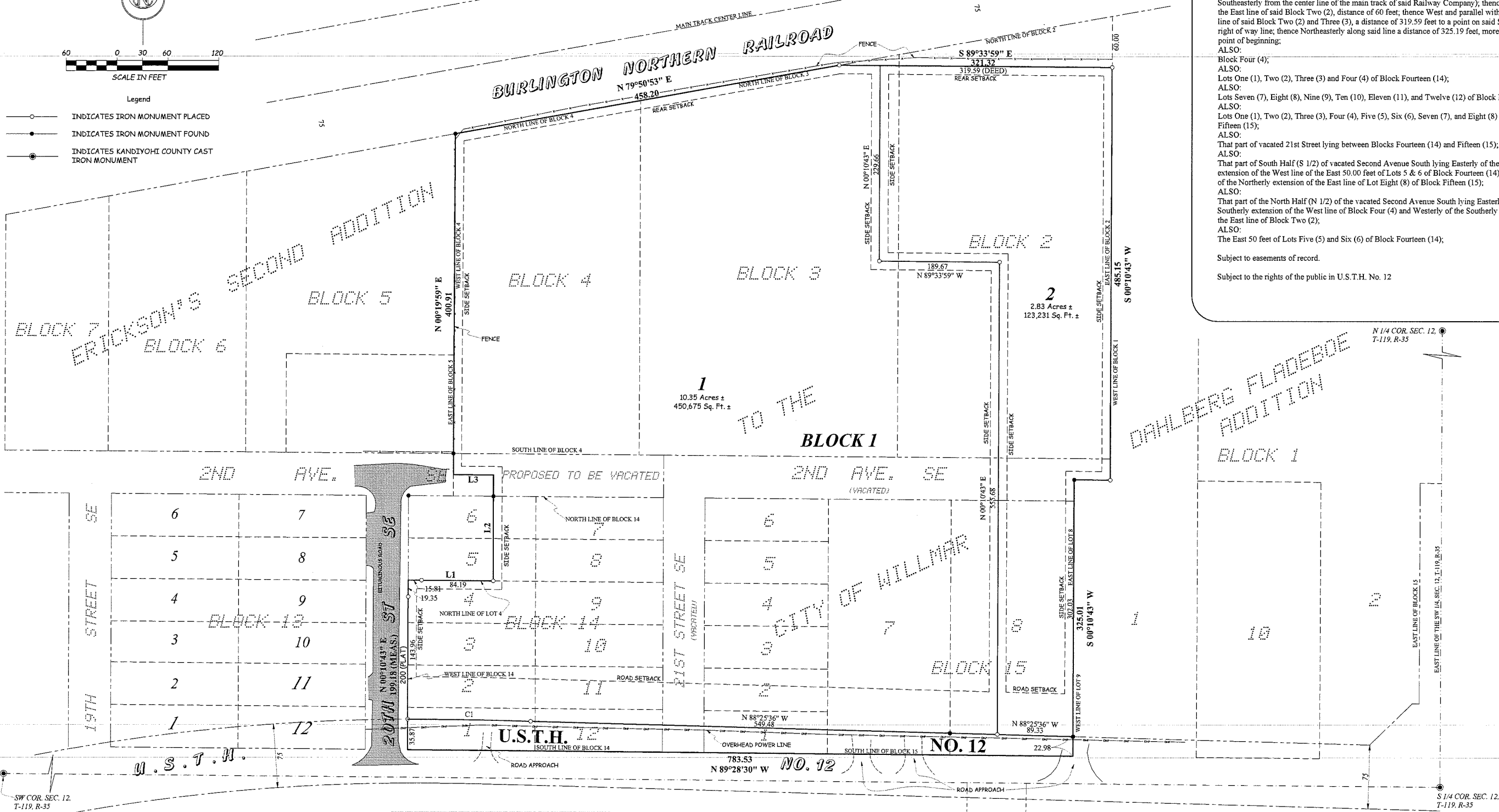
LEGAL DESCRIPTION

Tract of land lying and being in the County of Kandiyohi, State of Minnesota, described as follows, to-wit:

Blocks Two (2) and Three (3), EXCEPT a tract described as follows: Beginning at the intersection of the East line of said Block Two (2) with the Southeastly line of the right of way of the Great Northern Railway Company (said Southeastly line being parallel with and distant 75 feet Southeastly from the center line of the main track of said Railway Company); thence South along the East line of said Block Two (2), distance of 60 feet; thence West and parallel with the South line of said Block Two (2) and Three (3), a distance of 319.59 feet to a point on said Southeastly right of way line; thence Northeastly along said line a distance of 325.19 feet, more or less, to the point of beginning;
ALSO:
Block Four (4);
ALSO:
Lots One (1), Two (2), Three (3) and Four (4) of Block Fourteen (14);
ALSO:
Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12) of Block Fourteen (14);
ALSO:
Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Block Fifteen (15);
ALSO:
That part of vacated 21st Street lying between Blocks Fourteen (14) and Fifteen (15);
ALSO:
That part of South Half (S 1/2) of vacated Second Avenue South lying Easterly of the Northerly extension of the West line of the East 50.00 feet of Lots 5 & 6 of Block Fourteen (14) and Westerly of the Northerly extension of the East line of Lot Eight (8) of Block Fifteen (15);
ALSO:
That part of the North Half (N 1/2) of the vacated Second Avenue South lying Easterly of the Southerly extension of the West line of Block Four (4) and Westerly of the Southerly extension of the East line of Block Two (2);
ALSO:
The East 50 feet of Lots Five (5) and Six (6) of Block Fourteen (14);

Subject to easements of record.

Subject to the rights of the public in U.S.T.H. No. 12



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 89°32'09" E | 100.00 |
| L2 | N 00°10'43" E | 124.63 |
| L3 | N 89°33'59" W | 47.31 |

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

PRELIMINARY PLAT PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300

DATE: 11-30-2018

PRELIMINARY PLAT PREPARED FOR:
MARCUS DEVELOPMENT

JOB NO: 2013-270
FILE NAME: 2013-270PP.dwg
LOCATION: 12-119-35

PLANNING COMMISSION – FEBRUARY 6, 2019

STAFF COMMENTS

1. PERKINS REZONE R-2 TO I-2 – FILE NO. 19-02:

- This City-initiated request is to rezone from R-2 (One- and Two-Family Residential) to I-2 (General Industry) on property described as: All of Block 9 and Lots 6, 7, 8, and the Easterly 20 feet of Lot 9, Block 10. Town of (Original) Willmar. AND Those portions of Lots 1, 2, 3, 4, and 5, Block 10 lying North of a line drawn parallel with and 10 feet Northerly from BNSF Railroad Company's most Northerly spur track centerline. AND All of Lots 10, 11, 12, and the Westerly 5 feet of Lot 9 and the East half of vacated 9th St NW which lies between the East line of Block 11 and the West line of Block 10.
- The requested rezone is to allow the continued use of a lumber company and railyard.
- The surrounding properties are residential to the north and industrial to the east, west, and south.
- There are no site plan changes at this time.
- This rezone keeps with the intent of the Comprehensive Land Use Plan.

RECOMMENDATION: Approve the rezone and forward it onto the City Council for Ordinance introduction and adoption.

2. MARCUS HIGHWAY 12 DEVELOPMENT PRELIMINARY AND FINAL PLAT – FILE NO. 19-01:

- The applicant is Marcus Construction of Willmar, MN.
- The applicant is requesting to replat 4 parcels into 2 on property legally described as follows: Parts of Block 2 and 3; ALSO: Block 4; ALSO: Parts of Block 14 and 15; ALSO: Parts of vacated 21st Street SE; ALSO: Parts of vacated 2nd Ave SE, Erickson's Second Addition to the City of Willmar, Minnesota.
- The applicant is requesting this subdivision for future commercial development. The City has not received development plans at this point.
- Both parcels can be accessed via E Hwy 12 and Lot 1 can be accessed via 20th St SE.
- The applicant does intend for Hwy 12 access to be realigned with 23rd St SE (see MnDOT comments below).
- The parcels are zoned GB (General Business).
- Minimum lot area and width are well exceeded.

MnDOT D8 Comments: In regards to the preliminary plat titled Marcus Highway 12 Development, MnDOT has the following comments:

1. A change in use access permit is required.
2. The controlled access is not depicted on the plat.
3. Conditions of the submitted access permit: at the cost of the applicant, the three existing accesses shall be closed in controlled access and physically removed by the applicant, and the proposed new access that will align with 23rd St SE shall be opened in controlled access.

4. A document regarding ownership of the shared access, and agreement of access construction to MnDOT Standards at no cost to MnDOT, shall be supplied by the applicant.
5. An access permit had been started by Mr. Neeser and Mr. Duininck, however the new owners will have to be on the permit. Please contact Jeff Illies, MnDOT D8 Permits 320-214-6317 with any permit process questions.

Fire Chief/Marshal Comments: I have reviewed the Marcus Hwy 12 development plat. There are a few items to make note of:

1. The number of fire hydrants will be determined based on final development plans for this area. It appears at this point that hydrants will need to be added.
2. Access roads will need to be added. These need to be large enough for fire department access.

This may change when the building plans are submitted.

Engineering/Public Works Comments: All internal street and utility infrastructure will be considered private systems. Note that there is no storm sewer available/accessible at this time. No drainage is indicated; Storm water calculations will need to be submitted.

MUC Comments: 1 unused water service in Block 14, Lot 1. 6" water on North side of Hwy 12. Fdr 33 overhead electric follows Hwy 12. No other electric existing. A 10' utility easement shall be dedicated along all property lines.

RECOMMENDATION: Approve the preliminary and final plat with the following conditions:

1. A 10' utility easement shall be added along all exterior and interior lot lines.
2. Final Hwy 12 access shall be reflected on the plat.
3. Any easements/declarations/covenants shall be submitted to the City and recorded concurrently with the plat.
4. The Storm Water Ordinance shall be complied with and plans shall be approved by the Engineering Department.
5. All department comments shall be met, adhered to, and additional information supplied as requested.